General Assembly

Distr.: General
20 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/161. Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which states, inter alia, that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular the right to equal treatment before the tribunals and all other organs administering justice, the Convention on the Rights of the Child,[5] in particular article 37, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age, and the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Emphasizing that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

---

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[3] Resolution 39/46, annex.

[4] Resolution 2106 A (XX), annex.

[5] Resolution 44/25, annex.

[6] Resolution 34/180, annex.

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Recalling the Guidelines for Action on Children in the Criminal Justice System[7] and the establishment and subsequent meetings of the coordination panel on technical advice and assistance in juvenile justice,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[8] and of the plans of action for its implementation and follow-up,[9]

Recalling its resolution 54/163 of 17 December 1999, as well as Commission on Human Rights resolution 2000/39 of 20 April 2000[10] and Economic and Social Council resolution 1999/28 of 28 July 1999,

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Invites* Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel deployed in international field presences;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Encourages* the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

7. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the Centre for International Crime Prevention

---

[7] Economic and Social Council resolution 1997/30, annex.

[8] Resolution 55/59, annex.

[9] See *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1), part two, chap. I.

[10] Ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

of the Office for Drug Control and Crime Prevention of the Secretariat, to coordinate closely their activities relating to the administration of justice;

8. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

9. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce, within her mandate, her activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

10. *Encourages* the Office of the High Commissioner to continue organizing training courses and other relevant activities aimed at enhancing the promotion and protection of human rights in the field of the administration of justice, and commends the Office for its work on the development of a human rights manual for judges, prosecutors and lawyers within the framework of the United Nations Decade for Human Rights Education, 1995–2004;

11. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner, in particular through technical assistance activities, and, taking into account that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages further activities, within her mandate, in this regard;

12. *Calls upon* the coordination panel on technical advice and assistance in juvenile justice further to increase cooperation among the partners involved, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation;

13. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

14. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

15. *Decides* to consider the question of human rights in the administration of justice at its fifty-eighth session under the item entitled "Human rights questions".

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
20 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/162. Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society as a whole in the States in which such persons live,

Concerned by the frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Recognizing that the effective promotion and protection of the rights of persons belonging to minorities is a fundamental part of the promotion and protection of human rights, and acknowledging that measures in this area can also contribute significantly to conflict prevention,

Emphasizing the importance of human rights education as an effective tool to promote an inclusive society and understanding of and tolerance towards and among persons belonging to minorities,

Acknowledging that the United Nations has an important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights held its sixth and seventh sessions from 22 to 26 May 2000[1] and 14 to 18 May 2001,[2] respectively,

---

[1] E/CN.4/Sub.2/2000/27 and Corr.1.

[2] E/CN.4/Sub.2/2001/22.

1. *Takes note* of the report of the Secretary-General;[3]

2. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the promotion and protection of the rights of persons belonging to minorities;

3. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001;

4. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, and to apply a gender perspective while doing so;

5. *Calls upon* States to give special attention to the promotion and protection of the human rights of children, girls as well as boys, belonging to minorities;

6. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

7. *Calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

8. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

9. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments for that purpose, and in this regard draws attention to the work on the United Nations Guide for Minorities;

10. *Requests* the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

---

[3] A/56/258.

[4] Resolution 47/135, annex.

11. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

12. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, as well as the reports of special representatives, special rapporteurs and working groups of the Commission on Human Rights, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

13. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement further its mandate with the involvement of a wide range of participants;

15. *Invites* the High Commissioner to seek voluntary contributions to facilitate the effective participation, including through training seminars, in the work of the Working Group on Minorities of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries;

16. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution, and to continue to include examples of good practices in the field of education and of the effective participation of minorities in decision-making processes;

17. *Decides* to continue consideration of this question at its fifty-eighth session under the item entitled "Human rights questions".

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
20 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/163. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of the Declaration and its promotion and implementation,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Noting also with deep concern the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders,

Noting further with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;[1]

2. *Takes note with appreciation* of the reports of the Special Representative of the Secretary-General on human rights defenders;[2]

3. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

4. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish upon request all information in the fulfilment of her mandate;

5. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

6. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders;

7. *Decides* to consider this question at its fifty-seventh session under the item entitled "Human rights questions".

88th plenary meeting
19 December 2001

---

[1] Resolution 53/144, annex.

[2] A/56/341 and E/CN.4/2001/94.

General Assembly

Distr.: General
20 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/164. Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem that this is creating for the international community,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities that this poses for States and the international community to explore methods and means better to address the protection and assistance needs of those persons,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity or local integration,

Emphasizing that national authorities have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes for the displacement problem in cooperation with the international community,

Recalling the relevant norms of international human rights law, international humanitarian law and analogous refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[1]

Taking note of Commission on Human Rights resolution 2001/54 of 24 April 2001,[2] and recalling the Vienna Declaration and Programme of Action adopted by

[1] E/CN.4/1998/53/Add.2, annex.

[2] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

the World Conference on Human Rights on 25 June 1993,[3] regarding the need to develop global strategies to address the problem of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of fundamental human rights by large groups of populations,

Noting with appreciation the work of the Representative of the Secretary-General on internally displaced persons in developing a normative framework, in particular a compilation and analysis of legal norms and the development of guiding principles, analysing institutional arrangements, undertaking dialogue with Governments and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations and other international and regional organizations, in particular the participation of the Representative of the Secretary-General in the meetings of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

Recognizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and in this regard welcoming the establishment of the Senior Inter-Agency Network on Internal Displacement and the decision to set up within the Office for the Coordination of Humanitarian Affairs of the Secretariat a unit for coordinating activities regarding internally displaced persons in order to promote better protection, assistance and development strategies for internally displaced persons, as well as to enhance further accountability by the United Nations system,

Acknowledging with appreciation the independent coordination within, as well as the independent work of, the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons in cooperation with relevant international bodies,

Recalling its resolution 54/167 of 17 December 1999,

1. *Welcomes* the report of the Representative of the Secretary-General on internally displaced persons;[4]

2. *Commends* the Representative of the Secretary-General for the activities undertaken so far, for the catalytic role that he continues to play in raising the level of consciousness about the plight of internally displaced persons and for his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection, assistance and development for internally displaced persons;

3. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

4. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-

[3] A/CONF.157/24 (Part I), chap. III.

[4] See A/56/168.

governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

5. *Welcomes* the specific attention paid by the Representative of the Secretary-General to the special protection, assistance and development needs of internally displaced women, children and other groups with specific needs and his commitment to pay more systematic and in-depth attention to their needs;

6. *Also welcomes* the fact that the Representative of the Secretary-General has made use of the Guiding Principles on Internal Displacement[1] in his dialogue with Governments and intergovernmental and non-governmental organizations, and requests him to continue his efforts in that regard, including considering strategies for addressing such concerns;

7. *Notes with appreciation* that an increasing number of States, United Nations agencies and regional and non-governmental organizations are making use of the Guiding Principles, encourages the further dissemination and application of the Guiding Principles, expresses its appreciation for the dissemination and promotion of the Guiding Principles at regional and other seminars on displacement, and encourages the Representative of the Secretary-General to continue to initiate or support such seminars in consultation with regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, and to provide support for efforts to promote capacity-building and use of the Guiding Principles;

8. *Calls upon* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, encourages them to give serious consideration to inviting the Representative to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

9. *Invites* Governments to give due consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

10. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

11. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts to improve the integration of the protection and assistance needs of internally displaced persons in consolidated appeals;

12. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and in this regard urges the Senior Inter-Agency Network on Internal Displacement and all relevant United Nations humanitarian assistance, human rights and development organizations concerned to enhance further their collaboration and

coordination, especially through the Inter-Agency Standing Committee, in order to promote and better carry out protection, assistance and development activities for internally displaced persons and to enhance further their accountability, as well as to provide all possible assistance and support to the Representative of the Secretary-General, and invites the Network better to inform Member States of its activities;

13. *Welcomes* the initiatives undertaken by regional organizations, such as the Organization of African Unity, the Organization of American States, the Organization for Security and Cooperation in Europe, the Council of Europe and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

14. *Notes* the establishment of the global internally displaced persons database, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources;

15. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contribution of States, relevant organizations and institutions in order to put the work of the Representative on a more stable basis;

16. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its fifty-eighth session, a report on the implementation of the present resolution;

17. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its fifty-eighth session.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
26 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/165. Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held, respectively, in New York from 5 to 10 June 2000 and Geneva from 26 June to 1 July 2000,

Recalling also its resolution 55/102 of 4 December 2000,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

---

[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See resolution 2200 A (XXI), annex.

[4] See resolution 55/2.

[5] Resolution S-23/2, annex, and resolution S-23/3, annex.

[6] Resolution S-24/2, annex.

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, including in the field of human rights,

Realizing also that globalization is not merely an economic process but that it also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Recognizing that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

Deeply concerned that the widening gap between the developed and the developing countries, and within countries, has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

3. *Also reaffirms* the commitment to create an environment at both the national and the global level that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Recognizes* that, while globalization offers great opportunities, its benefits are very unevenly shared and its costs are unevenly distributed, an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

5. *Also recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

6. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

7. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

8. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

9. *Takes note* of the report of the Secretary-General,[7] and requests the Secretary-General to seek further the views of Member States and to submit a comprehensive report on this subject to the General Assembly at its fifty-seventh session.

88th plenary meeting
19 December 2001

[7] A/56/254 and Add.1.

General Assembly

Distr.: General
26 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/166. Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous resolutions on this subject, as well as those of the Commission on Human Rights, and the conclusions of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[1] which recognized, inter alia, that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence were among the root causes leading to mass exoduses and displacements of people,

Mindful of the three open debates that have taken place within the Security Council on the protection of civilians in armed conflict and the two reports of the Secretary-General on that subject,[2]

Welcoming the fiftieth anniversary of the 1951 Convention relating to the Status of Refugees,[3] and noting the continuing relevance of the provisions of the Convention to the situation of people in mass exoduses,

Welcoming also the process of global consultations on international protection launched by the Office of the United Nations High Commissioner for Refugees, and in particular the discussions that took place in March 2001 on the protection of refugees in mass influx situations,

Welcoming further the increased attention being given by the United Nations, including the Office of the High Commissioner, to the problem of camp security, including through the development of operational guidelines on the separation of armed elements from refugee populations,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and to protect refugees and

---

[1] A/CONF.157/24 (Part I), chap. III.

[2] S/1999/957 and S/2001/331.

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, including the denial of safe and unimpeded access to the displaced,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons,

Noting with satisfaction the efforts by the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and strengthening emergency preparedness and response mechanisms,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Recognizing also the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for Children and Armed Conflict, and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, political and security components of United Nations operations, make important contributions to the promotion and protection of the human rights of persons forced into mass exodus and displacement,

Acknowledging with appreciation the coordination within, as well as the independent work of, the International Red Cross and Red Crescent Movement in protecting and assisting refugees and internally displaced persons, in cooperation with relevant United Nations bodies,

1. *Takes note* of the report of the Secretary-General;[4]

2. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

3. *Reaffirms* the need for all Governments, intergovernmental bodies and relevant international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. *Urges* the Secretary-General to continue to give high priority to the consolidation and strengthening of emergency preparedness and response mechanisms, including early warning activities in the humanitarian area, so that, inter alia, effective action is taken to identify all human rights abuses that contribute to mass exoduses of persons;

[4] A/56/334.

5. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[3] and the 1967 Protocol[5] relating to the Status of Refugees and to other regional instruments concerning refugees, as applicable, and relevant international instruments of human rights and humanitarian law, and to take appropriate measures to disseminate and implement those instruments domestically to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

6. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries affected by mass exoduses of refugees and displaced persons, in particular developing countries;

7. *Calls upon* Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and other relevant parts of the United Nations system, as well as relevant international and non-governmental organizations, to continue to respond to the assistance and protection needs of refugees and other displaced persons worldwide, including to promote durable solutions to their plight;

8. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, consistent with international law, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees at safe locations, where possible away from the border, and to ensure prompt and unhindered access to them by humanitarian personnel;

9. *Encourages* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems that may result in mass exoduses of populations or impede their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of her mandate, in consultation with the United Nations High Commissioner for Refugees;

10. *Requests* all United Nations bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

11. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively and promote sustainable returns through promotion and protection measures, including human rights monitoring in respect of those who fled or have returned as part of mass exoduses, emergency preparedness and response

[5] United Nations, *Treaty Series*, vol. 606, No. 8791.

mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries;

12. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

13. *Requests* the Secretary-General to prepare and submit to the General Assembly at its fifty-eighth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, with particular emphasis on efforts by the United Nations system to enhance the protection of those who become displaced during mass exoduses and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows;

14. *Decides* to continue its consideration of this question at its fifty-eighth session.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
26 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/167. United Nations Decade for Human Rights Education

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Reaffirming article 26 of the Declaration, which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and recalling the provisions of other relevant international human rights instruments that reflect the aims of this article,

Recalling the high importance attached to human rights education by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993,

Recalling also the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995–2004,

Believing that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and for ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that every woman, man and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

Convinced also that human rights education should involve more than the provision of information and should constitute a comprehensive, lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Recognizing that human rights education is essential to the realization of human rights and fundamental freedoms and that carefully designed training, dissemination and information programmes can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

[1] Resolution 217 A (III).

Convinced that human rights education contributes to a holistic concept of development consistent with the dignity of women and men of all ages, which takes into account particularly vulnerable segments of society, such as children, young persons, older persons, indigenous people, minorities, the rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and disabled persons,

Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Welcoming the holding of the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-discrimination in Madrid from 23 to 25 November 2001,

Welcoming also the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Aware of the potential role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995–2004,[2] and the World Public Information Campaign on Human Rights through financial support for governmental and non-governmental activities as well as their own creative initiatives,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recalling that it is within the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Noting with appreciation the efforts undertaken so far by the Office of the High Commissioner to increase information-sharing in the area of human rights education through the development of a database and resource collection on human rights education and to disseminate human rights information through its web site[3] and its publications and external relations programmes,

---

[2] A/51/506/Add.1, appendix.

[3] http://www.unhchr.ch.

Welcoming the initiative of the Office of the High Commissioner to develop further the project entitled "Assisting Communities Together", launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Welcoming also other United Nations public information activities in the field of human rights, including the World Public Information Campaign on Human Rights and the implementation of and follow-up to the Vienna Declaration and Programme of Action,[4] the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", and the Dakar Framework for Action adopted at the World Education Forum,[5] which, inter alia, reconfirmed the mandated role of the United Nations Educational, Scientific and Cultural Organization in coordinating Education for All partners and maintaining their collective momentum within the process of securing quality basic education,

Recognizing the value of information and communications technologies in human rights education to promote dialogue and understanding of human rights, and in that context welcoming, inter alia, the "CyberSchoolBus"[6] and the United Nations Children's Fund "Voices of Youth"[7] initiatives,

Recalling the mid-term global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the relevant report of the High Commissioner to the General Assembly at its fifty-fifth session,[8]

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights;[9]

2. *Urges* all Governments to promote the development of comprehensive, participatory and sustainable national strategies for human rights education and to establish and strengthen, as a priority in education policies, knowledge of human rights in both its theoretical dimension and its practical application;

3. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995–2004,[2] and to develop public information activities in the field of human rights, as indicated in the report of the High Commissioner;

4. *Urges* all Governments to contribute further to the implementation of the Plan of Action, in particular by:

(*a*) Encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable

---

[4] A/CONF.157/24 (Part I), chap. III.

[5] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

[6] See http://www.un.org/Pubs/CyberSchoolBus/humanrights.

[7] See http://www.unicef.org/voy.

[8] See A/55/360.

[9] See A/56/271.

national plans of action for human rights education and information, taking into consideration the recommendations of the mid-term global evaluation of the Decade[8] and the guidelines for national plans of action for human rights education developed by the Office of the United Nations High Commissioner for Human Rights;[10]

(*b*) Encouraging, supporting and involving national and local non-governmental and community-based organizations in the implementation of their national plans of action;

(*c*) Initiating and developing cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, and supporting and implementing public information campaigns and specific training programmes in the field of human rights, as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

5. *Encourages* Governments to consider, within their national plans of action for human rights education:

(*a*) The establishment of public access human rights resource and training centres capable of engaging in research, including the gender-sensitive training of trainers;

(*b*) The preparation, collection, translation and dissemination of human rights education and training materials;

(*c*) The organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

6. *Encourages* States, where such national public access human rights resource and training centres exist, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels;

7. *Calls upon* Governments, in accordance with national conditions, to accord priority to the dissemination, in the relevant national local and indigenous languages, of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[11] and other human rights instruments, human rights materials and training manuals, including information on human rights mechanisms and complaint procedures and reports of States parties submitted under international human rights treaties, and to provide information and education in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

8. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

9. *Requests* the High Commissioner to continue to coordinate and harmonize human rights education and information strategies within the United Nations system, including the implementation of the Plan of Action, in cooperation, inter alia, with the United Nations Educational, Scientific and Cultural Organization,

---

[10] A/52/469/Add.1 and Corr.1.

[11] Resolution 2200 A (XXI), annex.

and to ensure maximum effectiveness and efficiency in the collection, use, processing, management and distribution of human rights information and educational materials, including through electronic means;

10. *Encourages* Governments to contribute to the further development of the web site of the Office of the High Commissioner,[3] in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

11. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and peer education initiatives and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects, to develop further its databases and resource collection on human rights education and to continue to monitor developments in human rights education;

12. *Urges* the Department of Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties submitted under international human rights instruments, and, to that end, to ensure that the information centres are supplied with adequate quantities of those materials;

13. *Stresses* the need for close collaboration between the Office of the High Commissioner and the Department of Public Information in the implementation of the Plan of Action and the World Public Information Campaign on Human Rights, and the need to harmonize their activities with those of other international organizations, such as the United Nations Educational, Scientific and Cultural Organization with regard to its project entitled "Towards a culture of peace" and the International Committee of the Red Cross, and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law;

14. *Invites* the specialized agencies and relevant United Nations programmes and funds to continue to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign and to cooperate and coordinate with each other and with the Office of the High Commissioner in that regard;

15. *Encourages* the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in human rights for all United Nations personnel and officials;

16. *Encourages* the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations;

17. *Calls upon* international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with children and youth, women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human

rights advocates, educators, religious organizations, the private sector and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the United Nations High Commissioner for Human Rights, in implementing the Plan of Action;

18. *Welcomes*, in that context, initiatives to include civil society, non-governmental organizations, children and youth in national delegations to world conferences, summits and other meetings, as well as the work of non-governmental organizations and intergovernmental agencies in organizing parallel non-governmental organization and youth satellite meetings, as an important component of human rights education;

19. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

20. *Encourages* regional organizations to develop strategies for the wider distribution of materials on human rights education through regional networks and to develop region-specific programmes to maximize the participation of national entities, whether governmental or non-governmental, in programmes on human rights education;

21. *Encourages* intergovernmental organizations to assist, upon request, collaboration between governmental institutions and non-governmental organizations at the national level;

22. *Requests* the Office of the High Commissioner to continue the implementation of and to expand the "Assisting Communities Together" project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

23. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information, and to report to the General Assembly at its fifty-seventh session on the progress made towards the achievement of the objectives of the Decade under the item entitled "Human rights questions".

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
26 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/168. Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligations contained in the relevant human rights instruments,

Reaffirming also that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its resolutions 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons,[2] 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and 54/121 of 17 December 1999,

Recalling also Economic and Social Council resolution 2000/10 of 27 July 2000 on further promotion of equalization of opportunities by, for and with persons with disabilities, as well as other relevant resolutions of the General Assembly, the Economic and Social Council and the functional commissions of the Council,

Reaffirming the outcomes of the major United Nations conferences and summits and their respective follow-up reviews, in particular as they pertain to the promotion of the rights and well-being of persons with disabilities on an equal and participatory basis,

Noting with satisfaction that the Standard Rules play an important role in influencing the promotion, formulation and evaluation of policies, plans, programmes and actions at the national, regional and international levels to further the equalization of opportunities by, for and with persons with disabilities,

---

[1] Resolution 217 A (III).

[2] A/37/351/Add.1 and Corr.1, annex, sect. VIII, recommendation I (IV).

Recognizing that, despite different efforts made to increase cooperation and integration and increasing awareness of and sensitivity to disability issues since the adoption of the World Programme of Action by Governments, bodies and relevant organizations of the United Nations system and non-governmental organizations, these efforts have not been sufficient to promote full and effective participation by and opportunities for persons with disabilities in economic, social, cultural and political life,

Encouraged by the increasing interest of the international community in the promotion and protection of the rights and dignity of persons with disabilities in the world under a comprehensive and integral approach,

Deeply concerned about the disadvantaged and vulnerable situation faced by 600 million persons with disabilities around the world, and conscious of the need to advance in the elaboration of an international instrument,

Looking forward to the final reports of the Special Rapporteur on disability of the Commission for Social Development to be presented to that Commission, and also the outcome of the study currently being undertaken pursuant to Commission on Human Rights resolution 2000/51 of 25 April 2000[3] on the adequacy of instruments in respect of the protection and monitoring of the human rights of persons with disabilities,

Taking into account the recommendation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, to the General Assembly to consider elaborating a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, including special provisions that address the discriminatory practices and treatment that affect them,[4]

1. *Decides* to establish an Ad Hoc Committee, open to the participation of all Member States and observers of the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development;

2. *Also decides* that, prior to the fifty-seventh session of the General Assembly the Ad Hoc Committee shall hold at least one meeting of a duration of ten working days;

3. *Invites* States, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies, the regional commissions, the Special Rapporteur on disability of the Commission for Social Development, as well as intergovernmental and non-governmental organizations with an interest in the matter to make contributions to the work entrusted to the Ad Hoc Committee, based on the practice of the United Nations;

4. *Requests* the Secretary-General, with the support of the Office of the United Nations High Commissioner for Human Rights and the Division for Social

---

[3] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[4] See A/CONF.189/12, chap. I, para. 180.

Policy and Development of the Department of Economic and Social Affairs of the Secretariat, to submit to the Ad Hoc Committee prior to its first session a compilation of existing international legal instruments, documents and programmes which directly or indirectly address the situation of persons with disabilities, including, inter alia, those of conferences, summits, meetings or international or regional seminars convened by the United Nations and intergovernmental and non-governmental organizations;

5. *Also requests* the Secretary-General to provide the Ad Hoc Committee with the outcome of the study undertaken pursuant to Commission on Human Rights resolution 2000/51 and the final reports that will be presented by the Special Rapporteur on disability of the Commission for Social Development to that Commission;

6. *Calls upon* States, in cooperation with regional commissions, the United Nations High Commissioner for Human Rights, the Division for Social Policy and Development and the Special Rapporteur on disability of the Commission for Social Development, to hold regional meetings or seminars to contribute to the work of the Ad Hoc Committee by making recommendations regarding the content and practical measures that should be considered in the international convention;

7. *Requests* the Secretary-General to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

8. *Also requests* the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-seventh session on the progress made by the Ad Hoc Committee.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
28 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/169. Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[3] including part III thereof, relating to human rights,

Recalling also its resolution 55/95 of 4 December 2000, taking note of Commission on Human Rights resolution 2001/82 of 25 April 2001,[4] and recalling further previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the international community continue to respond positively to assisting efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity committed during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request made in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council[5] and the report of the Group of Experts appointed by the Secretary-General annexed

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/46/608-S/23177.

[4] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[5] A/53/850-S/1999/231.

thereto, and the discussions held between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975 to 1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that the accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

I

Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights;[6]

3. *Also welcomes* the report of the Special Representative,[7] commends the Government of Cambodia on its openness and spirit of cooperation during the visits of the Special Representative, encourages the Government to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, commends the international community for the interest and support demonstrated at the Consultative Group Meeting on Cambodia, held in Tokyo on 12 and 13 June 2001, and encourages donor countries and other relevant parties to follow up their pledges of assistance and commitments;

4. *Requests* the Government of Cambodia to continue to cooperate with the Office of the High Commissioner to resolve outstanding issues in accordance with international standards so that both parties, without further delay, can sign the memorandum of understanding for the extension of the mandate of the office in Cambodia of the High Commissioner, notes with regret the delays encountered in the process thus far, and encourages the Government to continue to cooperate with the office;

---

[6] A/56/230.

[7] See A/56/209.

5. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

II

Administrative, legislative and judicial reform

1. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption, including interference by the executive with the independence of the judiciary, welcomes the continued commitment of the Government of Cambodia to reforming the judiciary, and urges the Government to continue to take the necessary measures to promote the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole and to increase its budgetary allocation to the judiciary, which is expected to result, inter alia, in a decrease in the number of excessive pre-trial detentions;

2. *Urges* the Government of Cambodia to continue its efforts towards the early adoption of the laws and codes that are essential components of the basic legal framework, including the draft statute on magistrates, a penal code, a code of criminal procedures, a new civil code and a code of civil procedure, as well as its efforts to reform the administration of justice and to enhance the training of judges and lawyers, appeals to the international community to assist the Government to this end, and welcomes, inter alia, the drafting of the forestry and fishery laws;

3. *Welcomes* the enactment of the Land Law, notes with concern the problems related to land, inter alia, land grabbing, forced evictions and further displacement, and urges the Government of Cambodia to continue its efforts to implement an effective, efficient and transparent land registration system, as envisaged in the Law, to solve these problems;

4. *Also welcomes* the efforts of the Government of Cambodia to implement its reform programme, including the adoption of the Governance Action Plan, encourages the timely and effective implementation of the Plan, and appeals to the international community to assist the Government in its efforts towards that end;

5. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to take further measures to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all of those who have perpetrated serious crimes, including violations of human rights, and encourages the international community to provide means, such as technical assistance or expertise, to help the Government to meet its own commitments to bring perpetrators to justice more effectively;

6. *Welcomes* the efforts of the Government of Cambodia to demobilize its armed forces, including the launching of the first part of the demobilization programme, encourages the Government to implement the contents of the White Paper on National Defence and to continue to carry out effective reform, including the implementation of a full-scale demobilization programme that includes the

disarming of demobilized soldiers based on the experience gained from a pilot project, aimed at professional and impartial police and military forces, and invites the international community to continue to assist the Government to this end;

7. *Also welcomes* the enactment of the Law on the Administration and Management of Communes/Sangkat and the Law on the Election of Commune/Sangkat Councils and the elections scheduled for 3 February 2002, strongly urges the Government of Cambodia, including at local and provincial levels, to conduct free and fair elections without violence to any party and encourages the international community to assist the Government to this end, strongly urges all political parties to participate in the elections in a democratic and peaceful manner, and in this regard welcomes the agreement of the two parties in power to abstain from violence, urges the Government to investigate thoroughly any instances of violence and intimidation that occur, and stresses the importance of independent and transparent national, provincial and commune election committees;

8. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper health care to detainees, including by strengthening the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field, and to prevent any form of torture;

III

Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, as detailed in the reports of the Special Representative, notes some progress made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations;

2. *Urges* an end to racial violence against and vilification of ethnic minorities, and urges the Government of Cambodia to take all steps to prevent such violence, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[8] inter alia, by seeking technical assistance;

IV

Khmer Rouge tribunal

1. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

---

[8] Resolution 2106 A (XX), annex.

2. *Welcomes* the promulgation of the Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, noting with appreciation the general provisions and competence of the Law and its provision for a role for the United Nations, appeals to the Government of Cambodia to ensure that the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia are brought to trial in accordance with international standards of justice, fairness and due process of law, encourages the Government to continue to cooperate with the United Nations on this issue, welcomes the efforts of the Secretariat and the international community in assisting the Government to this end, urges the Government and the United Nations to conclude an agreement without delay so that the Extraordinary Chambers can start to function promptly, and appeals to the international community to provide assistance in this regard, including financial and personnel support to the Chambers;

V

Protection of women and children

1. *Welcomes* the progress made in improving the status of women, and urges the Government of Cambodia to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[9] including by seeking technical assistance;

2. *Notes with grave concern* the continued and growing phenomenon of trafficking in and sexual exploitation of women and children and the increasing incidence of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and requests the Government of Cambodia comprehensively to address these problems and their underlying causes;

3. *Urges* the Government of Cambodia to improve further the health conditions of children and their access to education, to provide and promote free and accessible birth registration and to establish an effective juvenile justice system that is consistent with international human rights standards, and invites the international community to continue to assist the Government to this end;

4. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health, safety or morals, inter alia, by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) adopted in 1999;

---

[9] Resolution 34/180, annex.

VI

Enhancement of human rights

1. *Recognizes* the importance of human rights education and training in Cambodia, commends the efforts of the Government of Cambodia, the Office of the High Commissioner and civil society in this field, encourages further strengthening and wider dissemination of these programmes, and invites the international community to continue to assist these efforts;

2. *Commends* the vital and valuable role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in particular in the lead-up to the communal elections;

3. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, stresses the importance of further promoting trust in those institutions and enhancing their activities, and invites the international community to extend its technical assistance to this end;

4. *Encourages* the Government of Cambodia in its efforts to establish an independent national mechanism for the promotion and protection of human rights which should be based on the principles relating to the status of national institutions for the promotion and protection of human rights known as the Paris Principles,[10] working in close cooperation with civil society, and requests the Office of the High Commissioner to continue to provide advice and technical assistance in these efforts;

5. *Requests* the Government of Cambodia to follow up the recommendations made by the international human rights treaty bodies regarding the reports submitted by the Government, calls upon the Government to meet its reporting obligations under all international human rights instruments to which Cambodia is a party, and requests the office in Cambodia of the High Commissioner to continue to provide assistance in this regard;

VII

Landmines and small arms

1. *Expresses grave concern* at the devastating consequences and destabilizing effects of anti-personnel landmines on Cambodian society, welcomes the progress made by the Government of Cambodia in the removal of these mines and for victim assistance and mine-awareness programmes, encourages the Government to continue its efforts in this regard, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

---

[10] See resolution 48/134, annex.

2. *Expresses concern* at the substantial number of small arms still existing in society, commends the progress made by the Government of Cambodia and the cooperation of the international community in dealing with issues of small arms, and encourages the Government to cooperate in regional and international efforts to reduce the number of illicit small arms, including implementation of the existing programmes;

VIII

Conclusion

1. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

2. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-seventh session under the item entitled "Human rights questions".

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
28 February 2002

Fifty-sixth session
Agenda item 119 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.2)*]

56/170. Protection of migrants

The General Assembly,

Recalling its resolution 55/92 of 4 December 2000,

Considering that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the World Summit for Social Development[4] and the Fourth World Conference on Women,[5]

Taking note of the positive treatment of the issue of migrants at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and recognizing the economic, social and cultural contributions of migrants to the countries of destination and origin,

Bearing in mind the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants,[6]

Taking note of Commission on Human Rights resolutions 2001/52 on the human rights of migrants and 2001/56 on the protection of migrants and their families, of 24 April 2001,[7]

---

[1] Resolution 217 A (III).

[2] See A/CONF.157/24 (Part I), chap. III.

[3] See *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] See *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[5] See *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[6] E/CN.4/2001/83 and Add.1.

[7] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin of migrants who are non-documented or in an irregular situation,

Bearing in mind also the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

Deeply concerned at the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Underlining the importance of the creation of conditions that foster greater harmony between migrant workers and the rest of the society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Noting the efforts made by States to penalize the international trafficking of migrants and to protect the victims of this illegal activity,

Taking note of Advisory Opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, on The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, in the case of foreign nationals detained by the authorities of a receiving State,

1. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration[6] to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

2. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[7] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[8] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] the International

---

[6] See resolution 55/2.

[7] Resolution 2200 A (XXI), annex.

[8] Resolution 39/46, annex.

Convention on the Elimination of All Forms of Racial Discrimination,[11] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[12] the Convention on the Elimination of All Forms of Discrimination against Women,[13] the Convention on the Rights of the Child[14] and other applicable international human rights instruments;

3. *Strongly condemns* all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

4. *Calls upon* all States to review and, where necessary, revise immigration policies with a view to eliminating all discriminatory practices against migrants and to provide specialized training for government policy-making and law enforcement, immigration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

5. *Reiterates* the need for all States parties to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to treat them humanely, in particular with regard to assistance and protection;

6. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,[15] in particular with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

7. *Reaffirms* the responsibility of Governments to safeguard and protect the rights of migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

8. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

9. *Expresses its support* for the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, and requests her to take into account the recommendations contained in the Durban Declaration and Programme of Action[16] in the performance of her mandate, tasks and duties;

10. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat the international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or

---

[11] Resolution 2106 A (XX), annex.

[12] Resolution 45/158, annex.

[13] Resolution 34/180, annex.

[14] Resolution 44/25, annex.

[15] United Nations, *Treaty Series*, vol. 596, No. 8638.

[16] See A/CONF.189/12, chap. I.

includes different forms of servitude or exploitation, such as any form of debt bondage or sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

11. *Encourages* all Governments to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

12. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

13. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children and the importance of reuniting them with their parents, when possible and appropriate, are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

14. *Welcomes* the proclamation of 18 December as International Migrants Day and the invitation to Member States and intergovernmental and non-governmental organizations to observe it through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the design of actions to ensure their protection;

15. *Encourages* States to participate in regional dialogues on problems of migration, and invites them to design and implement programmes with States of other regions in order to protect the rights of migrants;

16. *Requests* the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
26 February 2002

Fifty-sixth session
Agenda item 119 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.3)*]

56/171. Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 55/114 of 4 December 2000, and taking note of Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

1. *Welcomes*:

(*a*) The interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;[6]

(*b*) The broad participation of the electorate in the presidential elections held in June 2001, which expressed the true commitment of the Iranian people to the democratic process in the Islamic Republic of Iran;

(*c*) The reports that religion will no longer be requested in the registration of births, marriages, divorces or deaths;

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 44/25, annex.

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[6] See A/56/278.

(*d*) The positive developments regarding the situation of Iranian children in the fields of education, health and juvenile justice, as reported by the United Nations Children's Fund and the Special Representative;

(*e*) The process of legal reform under way in the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to continue this process;

(*f*) The re-establishment of the Majlis Human Rights Commission, and expresses the hope that it will complement the work carried out by the Islamic Human Rights Commission to enhance the human rights situation in the Islamic Republic of Iran;

(*g*) The public and serious debate, which is taking place within society and in the media, on the validity and utility of the imposition of public flogging and other harsh punishments;

(*h*) The efforts of the Government of the Islamic Republic of Iran in accepting and caring for large numbers of Afghan refugees.

2. *Notes*:

(*a*) The commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law;

(*b*) The assessment of the Special Representative that some improvements have taken place, inter alia, in such areas as women's education;

(*c*) The establishment of the National Committee for the Promotion of the Rights of Religious Minorities, and encourages the Government of the Islamic Republic of Iran to expedite its launching;

3. *Expresses its concern*:

(*a*) At the continuing violations of human rights in the Islamic Republic of Iran;

(*b*) At the fact that, since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

(*c*) At the continued deterioration of the situation with regard to freedom of opinion and expression, especially attacks against the freedom of the press, the imprisonment of journalists and members of Parliament, the harsh sentences imposed on those who participated in the Berlin conference or its preparation,[7] and the harsh reactions to student demonstrations, including the imprisonment and mistreatment of those who participated;

(*d*) At the growing number of executions in the absence of respect for internationally recognized safeguards, and in particular deplores public and especially cruel executions, such as stoning;

(*e*) At the still unsatisfactory compliance with international standards in the administration of justice, the absence of due process of law and the use of national security laws to deny the rights of the individual;

[7] See A/56/278, paras. 53–58; see also E/CN.4/2001/39, paras. 88–94.

(*f*) At the use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and the growing number of cases of public flogging;

(*g*) At the systemic discrimination against women and girls in law and in practice, and at the recent rejection of legislation to raise the age of marriage for women;

(*h*) At the continuing discrimination against persons belonging to minorities, in particular against Baha'is, Christians, Jews and Sunnis;

(*i*) At the ongoing lack of clarity concerning all the circumstances surrounding the suspicious deaths and killings of intellectuals and political activists in late 1998 and early 1999;

4. *Calls upon* the Government of the Islamic Republic of Iran:

(*a*) To abide by its obligations freely undertaken under the International Covenants on Human Rights[2] and other international instruments on human rights and to continue its efforts to consolidate respect for human rights and the rule of law;

(*b*) To take further measures to promote full and equal enjoyment by women and girls of their human rights and to undertake major educational programmes to promote women's rights;

(*c*) To implement the recommendations made by the Committee on the Rights of the Child[8] as a matter of priority, as well as to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182);

(*d*) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities and to address this matter in an open manner, with the full participation of the minorities themselves, as well as to implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on the question of religious intolerance relating to the Baha'is and other minority groups[9] until they are completely emancipated;

(*e*) To ensure full respect for freedom of expression;

(*f*) To end the imposition of the death penalty for crimes committed by persons under the age of eighteen, and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights[3] and the provisions of United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

(*g*) To take all necessary measures to end the use of torture and other forms of cruel, inhuman and degrading treatment and punishment, in particular the practices of amputation and public flogging, and to pursue vigorously penitentiary reform;

---

[8] See CRC/C/15/Add.123.

[9] See E/CN.4/1996/95/Add.2.

(*h*) To implement judicial reform speedily and completely, to guarantee the dignity of the individual, and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups;

(*i*) To enact as soon as possible legislation to ensure that people are not punished for exercising their political freedoms;

(*j*) To invite the Special Representative to visit the country and cooperate fully with him, in particular so that he can, through direct contacts with all sectors of society, observe the evolution of the human rights situation in the country and assess future needs, including in the area of technical cooperation in the field of human rights;

(*k*) To give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran, as well as to consider extending invitations to other relevant thematic mechanisms to visit the country;

5. *Decides* to continue the examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-seventh session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
26 February 2002

Fifty-sixth session
Agenda item 119 (c)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.3)*]

56/172. Situation of human rights in parts of South-Eastern Europe

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the 1951 Convention relating to the Status of Refugees[3] and the Protocol thereto,[4] the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[6] the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[7] the Guiding Principles on Internal Displacement,[8] accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949,[9] and, for participating States of the Organization for Security and Cooperation in Europe, the Helsinki Final Act of 1 August 1975,

Bearing in mind all resolutions on this subject, in particular Commission on Human Rights resolution 2001/12 of 18 April 2001[10] and General Assembly resolution 55/113 of 4 December 2000, as well as all Security Council resolutions and presidential statements,

Recalling Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999, 1244 (1999) of 10 June 1999 and the general principles annexed

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] Resolution 260 A (III).

[6] Resolution 47/135, annex.

[7] Resolution 36/55.

[8] E/CN.4/1998/53/Add.2, annex.

[9] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[10] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

thereto, 1345 (2001) of 21 March 2001, 1367 (2001) of 10 September 2001, all previous General Assembly resolutions on the subject, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at the fifty-fourth session of the Commission,[11] Commission on Human Rights resolutions 1998/79 of 22 April 1998,[12] 1999/2 of 13 April 1999,[13] and 2000/26 of 18 April 2000[14] and the report of the United Nations High Commissioner for Human Rights of 27 September 1999 on the situation of human rights in Kosovo,[15] and taking note of the periodic report of 11 October 2001 of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia,[16]

Underlining the obligation of all authorities in the Federal Republic of Yugoslavia and all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) and the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999, annexed to that resolution, and welcoming the Common Document signed on 5 November 2001 by the United Nations Interim Administration Mission in Kosovo and the Government of the Federal Republic of Yugoslavia,

Expressing its full support for and encouraging efforts towards the full implementation of commitments contained in the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[17]

1. *Emphasizes* the need to ensure respect for all human rights and fundamental freedoms and to do everything possible to further the process of reconciliation and regional cooperation;

2. *Welcomes* all efforts by countries of the region to overcome the effects of past conflicts, and also the efforts of the international community, which have helped the countries of the region to make great strides towards peace and stability;

3. *Also welcomes* moves by all parties in the region to establish and maintain a constructive dialogue with their neighbours, an essential element of regional stability, and urges them to continue these efforts;

4. *Notes* that varying degrees of progress have been made in the human rights situation in all States, but that further efforts are required in several areas;

5. *Also notes* the progress in the region, and encourages further free, fair, inclusive and democratic elections throughout the region as an important element of the rule of law and the promotion and protection of human rights;

6. *Urges* all parties to condemn ethnic violence and intolerance and to oppose actively, in a manner consistent with internationally recognized human rights standards, advocates or perpetrators of any form of violence as a means to secure peace and the protection of human rights and fundamental freedoms, and encourages parties to use dialogue to address their differences;

---

[11] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. III, sect. E, para. 28.

[12] Ibid., chap. II, sect. A.

[13] Ibid., *1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[14] Ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[15] E/CN.4/2000/10.

[16] See A/56/460.

[17] A/50/790-S/1995/999.

7. *Urges* all authorities in the region to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and in particular to comply with their obligation to arrest immediately and transfer to the custody of the Tribunal all indicted persons, as well as to comply with requests by the Tribunal for access to information and witnesses;

8. *Emphasizes* the need to prevent and end violations of human rights, including cases of arbitrary detention, as well as the continued detention of political prisoners and cases of discrimination on the basis of ethnic origin, nationality, language or religion;

9. *Also emphasizes* the need for sustained progress on all issues that have an impact on the enjoyment of human rights, in particular, legal reform, impunity, protection of all persons belonging to minorities and the fight against organized crime and trafficking in persons;

10. *Stresses* the need for enhanced efforts to foster and effect the prompt and voluntary return and integration of displaced persons and refugees in safety and dignity;

11. *Underlines* the importance of consistent efforts to establish the fate of missing persons, and encourages all States and parties to provide information to organizations involved in this effort, including through the tracing mechanisms of the International Committee of the Red Cross, and to cooperate fully with organizations such as the International Committee of the Red Cross and the International Commission on Missing Persons that are involved in the effort to determine the identities, whereabouts and fate of missing persons;

12. *Encourages* the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe and the Council of Europe to enhance their cooperation in the region, including within the Stability Pact for South-Eastern Europe;

13. *Encourages* the international community to continue providing voluntary contributions to meet the pressing human rights and humanitarian needs of the region;

14. *Welcomes* the appointment of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia, and calls upon all authorities and all concerned parties to cooperate fully with the Special Representative as he carries out his work.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
27 February 2002

Fifty-sixth session
Agenda item 119 (c)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.3)*]

56/173. Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States are required to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of the Child,[6] the Geneva Conventions of 12 August 1949 for the protection of victims of war[7] and the first Additional Protocol thereto, of 1977,[8] as well as the African Charter on Human and Peoples' Rights,[9]

Recalling its previous resolutions on the subject, the most recent of which is resolution 55/117 of 4 December 2000, and those of the Commission on Human Rights, as well as Security Council resolutions 1304 (2000) of 16 June 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001 and 1376 (2001) of 9 November 2001,

Recalling also the Ceasefire Agreement signed at Lusaka,[10] as well as the Kampala disengagement plan[11] and the Harare sub-plans for disengagement and

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 39/46, annex.

[4] Resolution 34/180, annex.

[5] Resolution 2106 A (XX), annex.

[6] Resolution 44/25, annex.

[7] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[8] Ibid., vol. 1125, No. 17512.

[9] Ibid., vol. 1520, No. 26363.

[10] S/1999/815, annex.

[11] See S/2000/330 and Corr.1, paras. 21-28.

redeployment, and welcoming the decision of the Security Council to authorize the start-up of phase III of the United Nations Organization Mission in the Democratic Republic of the Congo,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, including acts of and incitement to ethnic hatred and violence, as noted in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo,[12]

Noting that the promotion and the protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Reiterating its support for the continuation of the Inter-Congolese Dialogue, which, requiring the cooperation and full participation of all the Congolese parties, is an essential process for the future of the Democratic Republic of the Congo and the entire region,

Acknowledging the need to expand the presence and full participation of women in the peace process,

Recalling its decision to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission of investigation in the Democratic Republic of the Congo, while regretting that the security situation in the country is still preventing such a mission,

Encouraging the Government of the Democratic Republic of the Congo to give effect to its earlier commitment, including to the United Nations High Commissioner for Human Rights, to restore and reform its judicial system, in accordance with the relevant international conventions, and to put an end to the trying of civilians by the Military Court,

1. *Welcomes*:

(*a*) The meeting between the Political Committee for the implementation of the Lusaka Ceasefire Agreement and the Security Council on 9 November 2001, and urges all parties to take the necessary measures to implement phase III of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo;

(*b*) The reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[12]

(*c*) The visits made by the Special Rapporteur to the Democratic Republic of the Congo from 11 to 21 March 2001 and from 20 July to 1 August 2001 for the purpose of evaluating the existing situation in the country;

(*d*) The holding in Gaborone from 20 to 24 August 2001 of the preparatory meeting for the Inter-Congolese Dialogue and the signature by all the parties concerned of a declaration of commitment providing for the release of all prisoners of conscience, the free movement of goods and persons and the protection of the civilian populations;

[12] A/56/327 and E/CN.4/2001/40/Add.1

(*e*) The effective release by the Government of the Democratic Republic of the Congo of several human rights defenders;

(*f*) The adoption by the Government of the Democratic Republic of the Congo of Law No. 001 of 17 May 2001, on political parties, and the promise of openness and tolerance which it offers by inviting the Government to continue on that path and to enforce the law fully for the benefit of all political tendencies in the Democratic Republic of the Congo;

(*g*) The action undertaken by the human rights field office in the Democratic Republic of the Congo, while encouraging the Government to collaborate and further strengthen its cooperation with the office;

(*h*) The statements by the President of the Democratic Republic of the Congo to the effect that child soldiers would in future no longer be recruited and, in that context, the ratification by the Democratic Republic of the Congo of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[1] and the commitment made by the Government of the Democratic Republic of the Congo to cooperate with United Nations organs and non-governmental organizations in order to ensure the demobilization and reintegration of child soldiers, as well as the measures taken by the Government of the Democratic Republic of the Congo to that end, while urging other parties to the conflict to do the same;

(*i*) The release and repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, and of prisoners of war;

(*j*) The continuing presence and wider deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement;

(*k*) The commitments made by the President of the Democratic Republic of the Congo to improve the human rights situation, particularly those given when he attended the fifty-seventh session of the Commission on Human Rights, while encouraging him to give concrete effect to those commitments;

(*l*) The organization of the National Human Rights Conference, held in June 2001, while expressing the hope that its results will lead to an improvement of the situation of human rights in the Democratic Republic of the Congo;

(*m*) The consent of the President of the Democratic Republic of the Congo to the Special Rapporteur's plan to undertake, within the framework of his mandate and in the coming months, an initial joint mission to investigate the massacres in the province of South Kivu and other atrocities referred to by the Special Rapporteur in his latest and previous reports, with a view to bringing to justice those responsible and reporting thereon to the General Assembly and the Commission on Human Rights, and the agreement given by the rebel groups to that mission of investigation;

2. *Expresses its concern* at:

(*a*) The resumption of fighting in the eastern part of the country and the adverse impact of the conflict on the situation of human rights and its severe

[1] Resolution 54/263, annex I

consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and internally displaced persons, particularly in the eastern part of the country;

(*b*) The missed opportunity for the implementation of the Inter-Congolese Dialogue at the meeting which was held for that purpose in Addis Ababa on 15 October 2001, while welcoming the scheduled resumption of the process in South Africa;

(*c*) The situation of human rights in the Democratic Republic of the Congo, particularly in the zones held by the rebel groups and under foreign occupation, and the persistent violations of human rights and international humanitarian law, including the atrocities against the civilian populations, usually committed with complete impunity, while emphasizing in this regard that the occupying forces should be held accountable for the violations of human rights in the territories under their control. It condemns in particular:

(i) All the massacres and atrocities still being committed throughout the territory of the Democratic Republic of the Congo, in particular in the zones held by the armed rebels and under foreign occupation, including Bugobe, Nyatende, Kamisimbi, Lurhala, Nyangesi, Biambwe, Nbingi, Bunyatenge, Kaghumo, Banyuke, and Kirima, Kalemie, Pweto, Rutshuru, Kibumba, Kimia Kimia, Dungo Mulunga and Kasese Bolanga;

(ii) The occurrences of cases of summary and arbitrary execution, disappearance, torture, arbitrary arrest and detention without trial of, among others, journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms;

(iii) The numerous instances of rape and sexual violence against women and children, including as a means of warfare;

(iv) The continuing recruitment and use of child soldiers by armed forces and groups, including the enlistment and kidnapping of children throughout the territory of the Democratic Republic of the Congo, in particular in North and South Kivu and in the eastern province;

(v) The sentencing to death of civilians tried before the Military Court, in violation of the obligations assumed by the Democratic Republic of the Congo under the International Covenant on Civil and Political Rights,[2] as well as the prolonged and arbitrary detentions ordered by the Court;

(vi) The death sentences and summary executions by the Congolese Rally for Democracy-Goma;

(vii) The indiscriminate attacks against civilian populations, including against hospitals in the zones held by rebel forces and the zones held by foreign forces;

(*d*) The conflicts between the Hema and Lendu ethnic groups in the eastern province, where thousands of Congolese have already been killed and where Uganda, which controls the zone de facto, is responsible for ensuring respect for human rights;

(*e*) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

(*f*) The breaches of freedom of expression, opinion, association and assembly throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(*g*) The harassment and persecution of human rights defenders and other members of civil society;

(*h*) The acts of intimidation and persecution against representatives of the Churches, as well as the killings of those persons in the eastern part of the country;

(*i*) The severe insecurity, which seriously hampers the ability of humanitarian organizations to secure access to affected populations, particularly in the zones held by armed rebels and under the control of foreign forces, and condemns the killing of six humanitarian workers of the International Committee of the Red Cross on 26 April 2001 in Ituri Province, for which those responsible must be brought to justice;

(*j*) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, demands that such exploitation cease and emphasizes that the natural resources of the country should not be used to finance the conflict there;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To permit the restoration without delay of the sovereignty and territorial integrity of the Democratic Republic of the Congo, in accordance with the Lusaka Ceasefire Agreement and the relevant resolutions of the Security Council;

(*b*) To implement fully the Lusaka Ceasefire Agreement;

(*c*) To cease all military and logistic support as well as all strategic collaboration with the armed groups, particularly those operating in the eastern part of the Democratic Republic of the Congo;

(*d*) To do everything possible to create the prerequisites for further meetings with a view to advancing the Inter-Congolese Dialogue, with emphasis on ensuring the full participation of women in this process;

(*e*) To protect human rights and respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war[7] and the Additional Protocols thereto, of 1977,[14] the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907,[15] the Convention on the Prevention and Punishment of the Crime of Genocide[16] and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons, regardless of their origin;

(*f*) To ensure the safety and freedom of movement of United Nations and associated personnel and to ensure full, safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

---

[14] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[15] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[16] Resolution 260 A (III).

(*g*) To cease all military activity in the Democratic Republic of the Congo which breaches the ceasefire provided for in the Lusaka Ceasefire Agreement and the Kampala disengagement plan, including the Harare sub-plans, and the relevant resolutions of the Security Council, and urges all foreign forces to withdraw without delay from the territory of the Democratic Republic of the Congo;

(*h*) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of the international human rights standards, and to extend unreserved cooperation to the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Children's Fund, the Special Representative of the Secretary-General for Children and Armed Conflict and humanitarian organizations in order to ensure the rapid demobilization of child soldiers, their return home and their rehabilitation;

(*i*) To define and implement all measures necessary to create conditions conducive to the voluntary return, in safety and with dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(*j*) To authorize access, in complete freedom and security, to the zones which they control in order to permit investigations into violations of human rights and international human rights law;

(*k*) To cooperate fully with the National Commission responsible for investigating allegations concerning the massacre of a large number of refugees and displaced persons in the Democratic Republic of the Congo, as well as with the Secretary-General and the United Nations High Commissioner for Human Rights, in considering the allegations in question, with a view to submitting to the Secretary-General, through the National Commission, a further progress report on the investigations concerning this matter;

4. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures in order:

(*a*) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms, to fulfil its responsibility to protect the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and at its borders;

(*b*) To fulfil its commitment to reform and restore the judicial system and, in particular, its declared intention progressively to abolish the death penalty, as well as to reform military justice, in conformity with the provisions of the International Covenant on Civil and Political Rights,[2] while encouraging the continuation of the moratorium on executions in force;

(*c*) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(*d*) To create, in accordance with its undertakings as stipulated in the Lusaka Ceasefire Agreement, and particularly the articles concerning the Inter-Congolese Dialogue, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully responds to the aspirations of all people in the country, and to complete the administrative procedures required to permit activities by political parties and prepare for the holding of democratic, free and transparent elections;

(*e*) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

(*f*) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, particularly by strengthening cooperation with civil society, including all human rights organizations;

(*g*) To continue to facilitate and strengthen further its cooperation with the human rights field office in the Democratic Republic of the Congo;

(*h*) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other violations of article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto,[17] are brought to justice in accordance with international principles of due process;

(*i*) To continue to facilitate the creation of the necessary prerequisites for the deployment, in conditions of security, of the United Nations Organization Mission in the Democratic Republic of the Congo and to guarantee the safety and freedom of movement of its personnel and associated personnel;

5. *Decides*:

(*a*) To continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur to report to the General Assembly at its fifty-seventh session, incorporating a gender perspective;

(*b*) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to undertake, if appropriate in cooperation with the National Commission responsible for investigating violations of human rights and breaches of international humanitarian law in the Democratic Republic of the Congo (ex-Zaire) between 1996 and 1997, a joint mission to investigate all the massacres perpetrated in the territory of the Democratic Republic of the Congo, particularly the massacres committed in the province of South Kivu and other atrocities referred to by the Special Rapporteur in his latest and previous reports on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report on this matter to the Commission on Human Rights at its fifty-eighth session and to the General Assembly at its fifty-seventh session ;

(*c*) To request the Secretary-General to give the Special Rapporteurs and the joint mission all necessary assistance to enable them fully to discharge their mandate;

(*d*) To request the United Nations High Commissioner for Human Rights to provide the technical skills needed by the joint mission in order to discharge its mandate;

---

[17] United Nations, *Treaty Series*, vol. 1125, No. 17513.

(*e*) To request the international community to extend support to the human rights field office in the Democratic Republic of the Congo, in particular to enable it:

(i) To expand its participation in technical cooperation programmes, advisory services and activities to increase awareness of human rights, in particular by supporting the efforts made by the Government of the Democratic Republic of the Congo to strengthen the judicial system;

(ii) To increase its support to non-governmental organizations defending human rights in the Democratic Republic of the Congo, continue and develop cooperation with them and facilitate the activities of the joint mission, particularly through financial support.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
27 February 2002

Fifty-sixth session
Agenda item 119 (c)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/56/583/Add.3)]

56/174. Situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, other international human rights instruments and the Geneva Conventions of 12 August 1949 for the protection of victims of war,[3]

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission resolution 2001/14 of 18 April 2001,[4]

Recalling also Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolution 687 (1991) of 3 April 1991, Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, and Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000, 1330 (2000) of 5 December 2000, 1352 (2001) of 1 June 2001 and 1360 (2001) of

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[4] *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

3 July 2001, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, and 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia, removed the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee,[5] the Committee on the Elimination of Racial Discrimination,[6] the Committee on Economic, Social and Cultural Rights,[7] the Committee on the Rights of the Child[8] and the Committee on the Elimination of Discrimination against Women[9] on the recent reports submitted to them by Iraq, in which these treaty-monitoring bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, in particular children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[10] and the observations, conclusions and recommendations contained therein;

2. *Notes with dismay* that there has been no improvement in the situation of human rights in the country;

3. *Strongly condemns*:

(*a*) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(*b*) The suppression of freedom of thought, expression, information, association, assembly and movement, through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

---

[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 90-111.

[6] Ibid., *Fifty-fourth Session, Supplement No. 18* (A/54/18), paras. 337-361.

[7] *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22), paras. 245-283.

[8] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 41* (A/55/41), paras. 304-333.

[9] Ibid., *Supplement No. 38* (A/55/38), part II, chap. IV, sect. B, paras. 166-210.

[10] See A/56/340.

(*c*) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(*d*) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and the United Nations safeguards;

(*e*) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(*f*) Widespread, systematic torture, and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. *Calls upon* the Government of Iraq:

(*a*) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(*b*) To put an end to all summary and arbitrary executions and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(*c*) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(*d*) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(*e*) To establish the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(*f*) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(*g*) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(*h*) To ensure free exercise of political opposition and to prevent intimidation and repression of political opponents and their families;

(*i*) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices aimed at the Iraqi Kurds, Assyrians and Turkmen, including the practice of forced deportation and relocation, and to

ensure the personal integrity and freedoms of all citizens, including the Shi'a population;

(*j*) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, to cooperate with the high-level coordinator of the Secretary-General for Kuwaitis and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(*k*) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(*l*) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999), 1302 (2000), 1330 (2000), 1352 (2001) and 1360 (2001), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Security Council resolution 1284 (1999), to continue its efforts to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-food programme, to address effectively the needs of persons requiring special attention, such as children, pregnant women, the disabled, the elderly and the mentally ill, among others, further to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(*m*) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate, and decides to continue the examination of the situation of human rights in Iraq at its fifty-seventh session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

88th plenary meeting
19 December 2001

General Assembly

Distr.: General
28 February 2002

Fifty-sixth session
Agenda item 119 (c)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/56/583/Add.3)*]

56/175. Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child,[3] the African Charter on Human and Peoples' Rights[4] and the Geneva Conventions of 12 August 1949 for the protection of victims of war,[5]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2001/18 of 20 April 2001,[6]

Deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudan People's Liberation Army/Movement on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law, while welcoming the repeated declarations by the Government of the Sudan of a comprehensive ceasefire,

Deeply concerned also at the lack of progress in the peace process, the repeated offensives of the Sudanese army and the Sudan People's Liberation Army/Movement, the general upsurge in fighting and the continued aerial bombings by the Government of the Sudan,

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 44/25, annex.

[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[5] Ibid., vol. 75, Nos. 970-973.

[6] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief in order to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will contribute greatly to the creation of a better environment for the respect of human rights in the Sudan,

Taking note of the initiative by Egypt and the Libyan Arab Jamahiriya aiming at a negotiated and lasting peace in the country, and encouraging close coordination with the Intergovernmental Authority on Development,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudan People's Liberation Army/Movement,

1. *Welcomes*:

(*a*) The appointment of a new Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan and his interim report;[7]

(*b*) The good cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visits to the Sudan in March and October 2001 and the cooperation extended to other United Nations mandate holders in the field of human rights, as well as the stated willingness of the Government of the Sudan to continue to cooperate with the Special Rapporteur;

(*c*) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(*d*) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(*e*) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

(*f*) The repeated statements by the Government of the Sudan in favour of a comprehensive, lasting and effectively monitored ceasefire in southern Sudan;

(*g*) The proposal to create a broad-based national council to evaluate foreign peace initiatives to end the conflict and make relevant recommendations;

(*h*) Recent additional efforts by the Government of the Sudan to improve freedom of association and assembly, in particular the adoption of the Associations and Political Parties Act of 2000 and the announcement relating to the creation of a high commission to review the law on public order;

(*i*) The recent visit, upon the invitation of the Government of the Sudan, of the Representative of the Secretary-General on internally displaced persons, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to follow up effectively the visit of the

[7] See A/56/336.

Representative, including by holding a conference on the subject of internal displacement in the near future;

(*j*) The people-to-people peace process at the grass-roots level, including the Nuer conference, held at Kisumu, Kenya, from 16 to 22 June 2001, which led to the Kisumu Declaration for Nuer Unity and Peace, and which, like other conferences held at the local level, should contribute to a comprehensive peace settlement in the context of the existing peace initiatives;

(*k*) Recent measures to drop lawsuits against some political detainees as well as the liberation of some political detainees, while expressing its deep concern at the fact that at least some of the detainees were re-arrested shortly thereafter on the basis of the National Security Forces Act, thereby perpetuating their detention;

(*l*) The steps taken by the Government of the Sudan towards the ratification of the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No.182);

(*m*) The reconvening of the National Assembly in April 2001;

(*n*) The improved role of the National Press Council in monitoring complaints about the press;

(*o*) The technical cooperation agreement signed by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the posting of an expert from the Office to the Sudan with the task of advising the Government on the development of national capacity to promote and protect human rights;

(*p*) The demobilization and repatriation of more than 3,500 child soldiers in close cooperation between the Sudan People's Liberation Army/Movement and the United Nations Children's Fund;

(*q*) The recent signature by the Sudan People's Liberation Army/Movement of an agreement to prohibit the use, production, stockpiling and transfer of anti-personnel mines throughout the territories under its control, and at the same time encourages the Sudan People's Liberation Army/Movement to implement the agreement swiftly;

(*r*) The efforts to implement the right to education;

2. *Expresses its deep concern*:

(*a*) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women and children, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of extrajudicial summary or arbitrary execution resulting from armed conflicts between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudan People's Liberation Army/Movement;

(ii) The retention of the state of emergency until the end of 2001;

(iii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians as well as the still-unresolved cases of enforced or involuntary disappearances;

(iv) The plight of internally displaced persons in the Sudan, whose numbers are among the highest in the world, in particular with regard to women and children, and the harassment of these groups;

(v) The forced displacement of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

(vi) The continued abduction of women and children by Murahaleen groups and other government militias and their subjection to forced labour or similar conditions;

(vii) The lack of efforts to restrain the establishment by certain groups directly sponsored by the Government, including the Murahaleen, of militias that commit serious human rights abuses such as killings, torture, rape, abduction and the destruction of shelter and livelihood;

(viii) The negative role of undisciplined southern militias, armed by the Sudanese army and the Sudan People's Liberation Army/Movement, which are responsible for killings, torture, rape, the burning of villages, the destruction of crops and the stealing of cattle;

(ix) The continuation of indiscriminate aerial bombardment of civil targets by the Government of the Sudan, in particular the bombing of schools, hospitals, churches, food distribution areas and market places, which seriously and repeatedly affects the civilian population and civilian installations;

(x) The use by both the Sudanese army and the Sudan People's Liberation Army/Movement of civilian premises for military purposes;

(xi) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

(xii) The conditions, in contravention of humanitarian principles, imposed by both the Government of the Sudan and the Sudan People's Liberation Army/Movement on humanitarian organizations working in the Sudan, especially the denial of access to them, which have seriously affected their safety and led to the withdrawal of many such organizations, with grave consequences for the already dangerous situation of thousands of people living in areas under their control;

(xiii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of abductions and harassment by both parties to the conflict, indiscriminate aerial bombings and the reopening of hostilities;

(xiv) The attacks on and use of force against United Nations as well as humanitarian personnel by the Sudan People's Liberation Army/Movement;

(xv) The measures taken by the leadership of the Sudan People's Liberation Army/Movement to prevent tribal elders, women and youths from participating in civil society gatherings such as the Nuer conference;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Restrictions on the freedom of religion, as well as restrictions on freedom of expression, in particular the significant censorship of the press;

(ii) The restriction of political freedom, in spite of the replacement, in March 2000, of the Political Associations Act of 1998 by the Associations and Political Parties Act and the increased activity by some opposition parties;

(iii) The arbitrary arrest and detention without trial of political opponents, human rights defenders and journalists, in particular, as well as acts of intimidation and harassment against the population by the security organs;

(iv) The new amendment to the National Security Forces Act, approved by Parliament and endorsed by the President, which allows the security forces to arrest and detain individuals for a period of up to six months and three days without proper judicial review and to renew the detention as a preventive measure, practically without limits;

(v) Detention in precarious conditions, the use of torture and violations of human rights by security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;

(vi) The use of the cruelest forms of corporal punishment in contravention of human rights norms and standards;

(vii) The use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and United Nations safeguards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(*a*) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(*b*) To work immediately to put in place a global, lasting and effectively monitored ceasefire as a necessary first step to a negotiated settlement to the conflict, and to commit themselves to a permanent ceasefire;

(*c*) To take immediate steps to implement the 1994 Declaration of Principles, in particular to take all necessary steps towards the negotiation of a ceasefire agreement as agreed upon in point 6 of the Declaration of Principles;

(*d*) To resume the peace talks immediately and to continue to cooperate fully with the peace efforts of the Intergovernmental Authority on Development;

(*e*) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which runs counter to principles of international humanitarian law;

(*f*) To stop the use of tribal militias that commit serious human rights abuses;

(*g*) In particular the Government of the Sudan, to cease immediately and unconditionally all indiscriminate aerial bombardment of the civilian population and civilian installations, including schools, hospitals, churches, food distribution areas and market places, which runs counter to fundamental principles of human rights and humanitarian law;

(*h*) In particular the Sudan People's Liberation Army/Movement, to stop using civilian premises for military purposes, misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(*i*) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Nuba Mountains, the Western Upper Nile, Blue Nile State, Bahr-el-Ghazal and other areas in need throughout the country, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the Secretariat and Operation Lifeline Sudan to deliver such assistance, to take measures against those who are responsible for abductions of United Nations and humanitarian staff, urges in particular the Sudan People's Liberation Army/Movement to lift as soon as possible the conditions it has imposed on the work of international agencies and humanitarian organizations, and also urges in particular the Government of the Sudan to end the use of the denial of humanitarian assistance flights for political purposes;

(*j*) Not to use or recruit children under the age of eighteen as soldiers, encourages the continuation of the process of demobilization of child soldiers currently being undertaken by the United Nations Children's Fund, with the cooperation of the Sudan People's Liberation Army/Movement, and urges both parties to the conflict not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(*k*) To fulfil their commitments concerning the protection of children affected by the conflict, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children as well as the abduction and exploitation of children and the recruitment of children as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors and reunify them with their families;

(*l*) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999, while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in custody of the Sudan People's Liberation Army/Movement, and urges the Sudan People's Liberation Army/Movement to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(*a*) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(*b*) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(*c*) To sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(*d*) To ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;[10]

(*e*) To undertake efforts towards promoting an environment that is more conducive to democratization and to improvements in the field of human rights;

---

[8] Resolution 39/46, annex.

[9] Resolution 34/180, annex.

[10] See CD/1478.

(*f*) To continue to strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(*g*) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(*h*) To ensure full respect for freedom of religion and, in this respect, to consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, to remove obstacles to obtaining permission to construct religious buildings, to respect the sanctity of religious buildings and to resolve church property issues;

(*i*) To implement fully existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(*j*) To raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(*k*) To implement the Standard Minimum Rules for the Treatment of Prisoners[11] and to continue to give special consideration to imprisoned women and juveniles;

(*l*) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to take into account extenuating circumstances to the maximum extent possible, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to bring to justice those responsible for such violations;

(*m*) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(*n*) To take concrete measures to prevent and stop the abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to support more strongly and more effectively the Committee for the Eradication of Abduction of Women and Children and to facilitate the safe return of affected children to their families as a matter of priority, in particular through the Committee for the Eradication of Abduction of Women and Children, with which all concerned have the responsibility and the duty to cooperate;

(*o*) To make concerted efforts to restrain the activities of the Murahaleen and to end the grave human rights abuses against civilians associated with their activities, to refrain from integrating them in the Sudanese army's military action and to stop financing and equipping them;

---

[11] See *Human Rights: A Compilation of International Instruments*, volume I (First Part) (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 1)).

(*p*) To ensure full respect for the freedom of expression, opinion, thought, conscience and religion, as well as the freedom of association and assembly, throughout the territory of the Sudan;

(*q*) To continue to implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and that wholly reflects the aspirations of the people of the country and ensures their full participation;

(*r*) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

(*s*) To make further efforts to address effectively the problem of internally displaced persons, including ensuring their access to effective protection and assistance;

(*t*) To consider the establishment of an independent national institution on human rights;

5. *Encourages*:

(*a*) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights, and to consider how to strengthen the role of the Office;

(*b*) The Sudan People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered, and to consider it an important contribution to the peace process;

6. *Calls upon* the international community to expand its support for activities aimed at improving respect for human rights and humanitarian law, in particular those of the Committee for the Eradication of Abduction of Women and Children, and to consider how to expand the Office of the High Commissioner to include a monitoring role;

7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-seventh session, under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

88th plenary meeting
19 December 2001